

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

In re:	)	Case No. 24-80617
	)	(Chapter 11)
C M HEAVY MACHINERY, LLC	)	
	)	
Debtor.	)	
_____	)	

**SECOND AMENDED DECLARATION IN SUPPORT OF APPLICATION TO APPROVE  
EMPLOYMENT OF WHITTEN BURRAGE AS SPECIAL COUNSEL TO ABOVE-  
CAPTIONED DEBTOR**

Pursuant to 28 U.S.C. § 1746, I, Blake Sonne, declare the following to be true and correct under penalty of perjury:

1. My name is Blake Sonne and I submit this Second Amended Declaration of Proposed Counsel for the Debtor, pursuant to Bankruptcy Rule 2014, in support of Debtor's Application to Employ Counsel (the "Application") seeking the retention of Reggie N. Whitten, Michael Burrage, Hannah Whitten, and Blake Sonne of WHITTEN BURRAGE, 512 North Broadway Avenue, Suite 300, Oklahoma City, OK 73102 (collectively referred to herein as "Whitten Burrage") to act as "special counsel" for the Debtor to pursue a bad faith and breach of contract action against Debtor's insurer and insurance agency related to an insurance claim submitted by Debtor in September 2023.

2. Whitten Burrage was requested by the Debtor to act as special counsel for the Debtor under 11 U.S.C. § 327(e), subject to Court approval. In its role as special counsel, Whitten Burrage would be providing legal advice and services with respect to prosecution of a civil lawsuit, asserting claims of breach of contract and bad faith and any other related claims against Debtor's insurer, AXIS Insurance Company and Debtor's insurance agent, Caden Bolles and Bolles & Associates, LLC d/b/a Multi County Insurance, and preparation of any associated pleadings

pertaining thereto and legal advice and services with respect to adjudication and the recovery of damages.

3. Whitten Burrage has agreed to provide legal services on a contingency fee basis with compensation to be paid only upon a settlement, resolution, and/or trial verdict and collection of a judgment via application and order of the Court. Whitten Burrage will incur all costs and expenses of the litigation, to be reimbursed only upon a resolution or settlement of the civil litigation case. Whitten Burrage's contingency fee agreement is a hybrid fee arrangement with a reduced 10% fee with any recovery or settlement up to \$1,406,971 and a 50% contingency fee with a recovery or settlement for amounts above \$1,406,971. This hybrid and reduced fee arrangement was agreed to by Whitten Burrage to account for the ACV policy benefits previously offered by the Debtor's insurer. Although the amount of such ACV being offered is an important part of Debtor's bad faith case, Whitten Burrage has agreed to a reduction of fee percentage up to that amount. Such contingency fee agreement and the 50% percentage outlined therein are customary in this type of complex civil litigation.

4. Reggie N. Whitten, Michael Burrage, Hannah Whitten, and Blake Sonne of WHITTEN BURRAGE are duly admitted attorneys licensed to practice before all state and federal courts of the State of Oklahoma.

4. To the best of my knowledge, information and belief, Reggie N. Whitten, Michael Burrage, Hannah Whitten, and Blake Sonne of WHITTEN BURRAGE are disinterested parties within the meaning of 11 U.S.C. § 101(14).

5. Prior to agreeing to represent Debtor in the action against its insurer, Reggie N. Whitten, Michael Burrage, Hannah Whitten, and Blake Sonne of WHITTEN BURRAGE did not perform any legal services for Debtor.

6. To the best of my knowledge, Reggie N. Whitten, Michael Burrage, Hannah Whitten, and Blake Sonne of WHITTEN BURRAGE have no other connection with the Debtor,

creditors or any other party in interest, their respective attorneys and accountants.

7. Executed this 18th day of January, 2025, in Oklahoma City, Oklahoma.

/s/ Blake Sonne

Reggie Whitten, OBA #9576

Michael Burrage, OBA #1350

Blake Sonne, OBA #20341

Hannah Whitten, OBA #35261

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**PROPOSED ATTORNEYS FOR DEBTOR**